

**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station – 32 North Street
January 11, 2018 – 6:00 PM**

Minutes of the Selectmen's Meeting of January 11, 2018

Selectmen Attending: Patrick A. Briggs, Allen Daggett, Sheila Matthews-Bull, Edward Hutchins

Selectman Absent: Stuart Barwise

Others: Jim Burrows, Michael Claus, Michael Davis, Brendan Donovan, Karl Ekstedt, Tim Forrester, Kevin Giaemon, David James, Dennis Lajoie, Scott Lantagne, Jim Logan, Arlene McMurray, Tracey O'Roak, Craig Sanford, Laurie Smith, John Stead, and others

1. Call to Order.

Chair Briggs called the meeting to order at 6:04 PM.

2. Approve the December 28, 2017, selectmen meeting minutes.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the December 28, 2017, selectmen meeting minutes. **Vote:** 4-0.

3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).

There were no comments.

4. Consider appeal of Sewer Use Ordinance Article III, Section 5 for 3 Maplewood Drive.

James Logan of Longview Partners, LLC, represents John Stead, and explained that Mr. Stead's septic system is failing. The Sewer Use Ordinance requires that properties within 200 feet of the sewer main must hook up to the sewer system when their septic system fails. Mr. Stead would like to appeal the sewer extension because the cost is estimated to exceed 15% of his assessed dwelling value (\$215,000), which is considered undue hardship and grounds for a variance. The cost of a new septic system, on the other hand, is approximately \$15,000.

Michael Claus, acting wastewater superintendent, supports this variance.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the appeal of Sewer Use Ordinance Article III, Section 5 for 3 Maplewood Drive. **Vote:** 4-0.

5. Consider a renewal application for a liquor license submitted by R.E. Blood, Co., Inc. DBA Captain Fairfield Inn, 8 Pleasant Street.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal application for a liquor license submitted by R.E. Blood, Co., Inc. DBA Captain Fairfield Inn, 8 Pleasant Street. **Vote:** 4-0.

Selectman Daggett mentioned that this license application was reviewed and approved by the police chief, fire inspector, and code enforcement officer.

6. Dennis Lajoie, Manager of Regional Operations, to discuss CMP's storm response, lessons learned, and the reliability of our power grid.

Dennis Lajoie discussed the October 30 storm and the preparation that goes into responding to a storm. During that storm, he said he had 700 outside line groups working. He added that they have a schedule to trim trees every five years.

Chair Briggs thanked CMP for being very responsive and accessible to the town. He appreciated that CMP trims trees.

Selectman Matthews-Bull asked if there was a reason her end of town seems to lose power all of the time.

Mr. Lajoie explained that the farther away you are from the substation, the longer it takes to restore power. He talked about the substation locations.

Town Manager Laurie Smith mentioned that communication was something that needed to be improved, e.g., there was faulty information on their website, difficulty getting someone on the phone, etc.

Kevin Giaemond said his job is to look at getting extra crews, many of which come from Canada, and it is up to CMP to house and feed them. He arranges meetings with the new crews to give them safety briefings. He mentioned that days one and two went well, but days three, four, and five did not. He agreed that they need to communicate information better on their website. He stated that out of 600,000 customers, over 400,000 were out of power. He said they learned from their mistakes.

7. Karl Ekstedt from Oceanside Rubbish to present recycling information.

Karl Ekstedt thanked the town residents for their patience during the last snowstorm. He said he had to send his work crews home due to safety reasons.

Mr. Ekstedt went on to explain that consumers need to use paper and not plastic. China is no longer taking recyclables. He said Oceanside Rubbish is paying more

to get rid of recycling than trash, and there is only a market for corrugated cardboard. He said it would be a 10% increase to change to weekly recycling, so it is not worth it.

8. Consider the RFP's for the codification project.

Tracey O'Roak reported that she received two bids for codification:

| | |
|--------------|----------|
| Municode | \$11,950 |
| General Code | \$10,700 |

She consulted with Jen Lord and Werner Gilliam, and all recommend awarding the bid to General Code.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to award the bid for codification to General Code at a cost of \$10,700. **Vote:** 4-0.

9. Consider a Dock Application for Wilson Goodwin and Elizabeth Witt-Goodwin, 26 Langsford Road.

Tim Forrester, Environmental Consultant for Atlantic Environmental, represents Wilson Goodwin and Elizabeth Witt-Goodwin. He explained the dock application to construct a dock consisting of 4 ft wide x 10 ft long access ramp; a 4 ft wide x 40 ft long pier and a 3 ft wide x 40 ft long ramp; and a 10 foot wide by 20 ft long float. He said they have all of the required permits.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the dock application for Wilson Goodwin and Elizabeth Witt-Goodwin, 26 Langsford Road. **Vote:** 4-0.

10. Authorize Catastrophic Sick Leave Policy.

Ms. Smith said she met with the Department Directors to address the impact of this Sick Leave Policy. She said it helps employees in crisis.
(See Exhibit A).

Motion by Selectman Hutchins, seconded by Selectman Daggett, to adopt the Catastrophic Leave Policy. **Vote:** 4-0.

11. Accept the following donations to the Public Health Department's various accounts.**a. General Assistance account**

(1) Donation of \$500 from the Kennebunkport Residents Association.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the \$500 donation from the KRA to the general assistance account with much appreciation. **Vote:** 4-0.

b. Nurses general account

- (1) Donation of \$500 from the Kennebunkport Residents Association.
- (2) Donation of \$50 from Geraldine Serreze.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the donations of \$500 from the KRA, and \$50 from Geraldine Serreze to the nurses general account with much appreciation. **Vote:** 4-0.

c. Emergency fuel account

- (1) Donation of \$1,000 from the Church on the Cape/McCelland Music Foundation.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the donation of \$1,000 from the Church on the Cape/McCelland Music Foundation with much appreciation. **Vote:** 4-0.

12. Other business.

a. Consider Town Report dedication.

The Board was given the list of previous Town Report dedications to look over.

Ms. Smith wanted to notify the Board that for the second meeting in February, which would be February 22, she will not have three Selectmen available. She asked if she could move the meeting date to February 20. The Board will check their schedules.

Ms. Smith also announced the Town Report Cover Contest will begin on January 16. The Town is only accepting one submission from each person. More information is on the Town Website.

13. Approve the January 11, 2018, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the January 11, 2018, Treasurer's Warrant. **Vote:** 4-0.

Ms. Smith announced there is an executive session.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to go into executive session per MRSA 1, §405-6A for personnel deliberation. **Vote:** 4-0.

The Board went into executive session at 7:10 PM.

At 8:10 PM the Board came out of executive session.

No action taken.

14. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn the meeting. **Vote:** 4-0.

The meeting adjourned at 8:10 PM.

Submitted by Arlene McMurray
Administrative Assistant

Exhibit A - 1-11-2018

**Town of Kennebunkport
Catastrophic Leave Policy**

Occasionally, employees have a serious non-work related illness or accident, which cause the employee to be absent from work for extended periods of time. The employee may not have sufficient accrued sick and vacation leave to cover the expected duration of absence. The Town Manager may authorize a catastrophic leave bank for the employee absent due to illness or accident. The establishment of the catastrophic bank will be at the discretion of the Town Manager who will consider the request on a case-by-case basis using the following guidelines:

- The employee or immediate family member (spouse, children, parent) must be facing a life threatening or serious long-term chronic medical condition. Sick time usage for family is governed by the family sick time policy in the personnel policy and union contract - "An employee may elect to use up to forty (40) earned sick leave hours per contract year to care for members of the immediate family (spouse, children, parents) who are ill."
- The employee has successfully completed their probationary period.
- The employee has or will use up all accrued leave (sick, vacation, personal days, floating holidays and/or comp time) while out of work as a result of sickness or accident.
- The illness or accident is not covered by Worker's Compensation either through the Town of Kennebunkport or through the employee's outside or second employer.
- The employee has no second source of income (second employment, self employment) from which he/she will be deriving an income during the catastrophic leave.
- The employee must have record of judicious use of his/her sick leave.
- Employee is at risk of having to pick up the entire cost of health insurance.
- The Department Director recommends the establishment of the catastrophic leave bank for the particular employee.

Procedures for establishing a Catastrophic Bank

Co-workers may initiate the catastrophic bank by forwarding the request to the Department Director. The Department Director will forward his/her recommendation to the Town Manager. The bank may be established within the department or may be Town wide at the discretion of the Town Manager. The Town Manager will provide written notification if he/she approves the establishment of a catastrophic bank.

If approved by the Town Manager, the catastrophic leave bank will be established for the weeks remaining in the employee's 12 week FMLA period. The Town Manager may extend the sick leave bank up to an additional 12 weeks if warranted. In order for an extension to be considered, an employee would need to qualify for an approved leave of absence, as well as all other noted standards. If a leave bank is approved, the catastrophic leave bank will make up the difference between the employee's regular salary and the Income Protection Plan benefit. The Town Manager may suspend the catastrophic leave bank if the employee reaches maximum medical improvement and is not expected to be able to return to work at any time in the future or for any other reason which would compromise the integrity of the catastrophic leave policy. The catastrophic leave bank will be suspended once the employee returns to work. The bank is designated specifically for the employee for whom it is established and may not be transferred to any other employee.

Contributions by employees to the bank are totally voluntary. Employees wishing to donate time to the catastrophic leave bank must sign the attached specific authorization form indicating the number of hours and the type of accrual they wish to donate. Employees may donate vacation, sick, or comp time, as well as floating holidays. Donating Employees must donate in increments of 1 hour and maintain 40 hours of vacation and 80 hours of sick time for their own personal use prior to donating time to another. Employees will be advised that once time is donated to the bank it may not be returned to the employee donating the time for his/her personal use or to be cashed out in the future. However, if the employee for whom the sick bank is established does not use the time donated, the donated time will be returned to the employees who originally donated it. Authorization forms will be forwarded to the Human Resources Department. The Human Resources Department will keep a record of the names of employees donating vacation time and a record of vacation hours used from the sick bank.